

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

SHAWN HYUNSU PARK,

PLAINTIFF,

vs.

KOMINOX USA, INC., and YOONKON  
YANG,

DEFENDANTS.

Index No: 2:22-cv-00356

**CIVIL ACTION**

**ANSWER TO COMPLAINT**

Defendants, KOMINOX USA, INC., and YOONKON YANG, by way of their attorneys,  
Song Law Firm, LLC, file their Answer to the Complaint as follows:

Defendants deny each and every allegation of the Complaint unless specifically admitted  
herein.

**INTRODUCTION**

1. Denied.
2. Denied.
3. Denied.

**JURISDICTION AND VENUE**

4. Admitted.
5. Admitted.

**PLAINTIFF**

6. Denied

**DEFENDANTS**

***Corporate Defendant***

7. Denied

8. Denied

9. Denied

10. Denied.

***Owner/Operator Defendant***

11. Denied.

12. Admitted.

13. Denied.

14. Admitted.

15. Admitted.

16. Admitted.

17. Denied.

**STATEMENT OF FACTS**

18. Denied.

19. Denied.

20. Denied.

21. Unknown and without sufficient facts, therefore denied

22. Unknown and without sufficient facts, therefore denied.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

### **STATEMENT OF CLAIMS**

#### **COUNT I.**

##### **[Violation of the Fair Labor Standards Act- Failure to Pay Minimum Wage]**

35. Defendants repeat each of the above paragraphs as if fully set forth herein.

36. The FLSA will speak for itself, otherwise denied

37. 29 U.S.C. § 206 will speak for itself, otherwise denied.

38. Denied.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

#### **COUNT II.**

##### **[Violation of the Fair Labor Standards Act- Failure to Pay Overtime]**

43. Defendants repeat each of the above paragraphs as if fully set forth herein.

44. The FLSA will speak for itself, otherwise denied.

45. The FLSA will speak for itself, otherwise denied.

46. Denied.

47. Denied.

48. The FLSA and supporting regulations will speak for themselves, otherwise denied.

49. Denied.

50. Denied.

### **COUNT III.**

#### **[Violation of New Jersey Wage and Hour Law-Failure to Pay Minimum Wage]**

51. Defendants repeat each of the above paragraphs as if fully set forth herein.

52. Denied.

53. Denied.

### **COUNT IV.**

#### **[Violation of New Jersey Wage and Hour Law-Failure to Pay Overtime]**

54. Defendants repeat each of the above paragraphs as if fully set forth herein.

55. New Jersey Wage and Hour Law will speak for itself, otherwise denied.

56. Denied.

57. Denied.

58. Denied.

### **PRAYER FOR RELIEF**

Denied.

### **AFFIRMATIVE DEFENSES**

#### **FIRST SEPARATE DEFENSE**

The Complaint fails to state a cause of action against Plaintiff for which relief can be granted.

#### **SECOND SEPARATE DEFENSE**

The Complaint fails to state a claim upon which relief may be granted and should be dismissed.

**THIRD SEPARATE DEFENSE**

The Complaint is barred by the Doctrine of Estoppel.

**FOURTH SEPARATE DEFENSE**

The Complaint is barred by the Doctrine of Laches.

**FIFTH SEPARATE DEFENSE**

The Complaint is barred by the Statute of Limitations.

**SIXTH SEPARATE DEFENSE**

The Complaint is barred by the Doctrine of Waiver.

**SEVENTH SEPARATE DEFENSE**

The Complaint is barred by Plaintiff's own acts and/or omissions.

**EIGHTH SEPARATE DEFENSE**

Plaintiff has failed to mitigate any alleged damages. Consequently, such claims, if any, must be reduced, excused or discharged.

**NINTH SEPARATE DEFENSE**

The damages alleged by Plaintiff, if any, are as a result of the actions and/or inactions or negligence of Plaintiff, its agents, servants, employees or representatives. As such, Plaintiff's claims, if any, must be reduced or barred accordingly.

**TENTH SEPARATE DEFENSE**

The acts and/or omissions complained of in the Complaint, if any, are the fault or responsibility of third party(ies) over which Defendants have no control.

**ELEVENTH SEPARATE DEFENSE**

The damages alleged by Plaintiff, if any, resulted from the actions and/or inactions of third parties constituting an intervening or superseding cause precluding any liability on the part of Defendants.

**TWELVTH SEPARATE DEFENSE**

Any loss, injury or damage sustained by Plaintiff is governed by the Rules of Comparative Negligence and any judgment entered should be reduced pro-rata accordingly or defeated in its entirety.

**THIRTEENTH SEPARATE DEFENSE**

Defendants did not breach any duty to Plaintiff.

**FOURTEENTH SEPARATE DEFENSE**

Plaintiff's Complaint is frivolous, and Defendant hereby demands sanctions pursuant to N.J.S.A. 2A:15-59.1

**DEMAND FOR JURY TRIAL**

Defendants demand a jury trial of all issues so triable.

SONG LAW FIRM, LLC

By: /s/ Roy H. Mossi  
ROY H. MOSSI  
*Attorneys for Defendants*

Dated: March 25, 2021